

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The rejection of claims 1-9 under 35 U.S.C. §103 as allegedly being made "obvious" based on Voit '636 in view Elliott '181 is respectfully traversed.

Claim 1 has been amended to more clearly set out the time relationship between steps c) and d) and to emphasize the quality of the claimed invention in achieving faster initiation of data transfer.

As previously acknowledged, Voit does describe selection of a gateway from among a plurality of gateways (Internet Telephony Gateways or ITGs 424-432) for establishing a link between a circuit switched (i.e., PSTN) network and a packet switched (i.e., IP) network. However, the details of the system of Voit and its mode of operation are significantly different from the applicant's claims. As previously noted, no reference can be found in Voit to the sending of polling messages from a gateway to a traffic destination.

The newly cited Elliott reference teaches a communications system comprising PSTN (i.e., circuit switched) and Internet (i.e., packet switched) networks. Elliott describes several methods of selecting a gateway to provide an interface from the circuit switched network to the packet switched network (see column 98, row 30 to column 101,

row 42). In the "Gateway Ping" method (4) described in column 101, Elliott sets out a method according to which a number of gateways are instructed to ping the source (client) computer and to record the time delay (the so-called "latency") in receiving an echo-type message from the client computer in response to the ping. Selection of the gateway is then carried out on the basis of two criteria: a gateway giving access to the client without passing through a router will be preferentially selected but, absent such a gateway, selection will be on the basis of the latency measurements so that the gateway with lowest signal delay to the client computer may be selected.

The arrangement of Elliott differs from the claimed invention in a number of important aspects -- some of which are discussed hereinafter.

Primarily the delay (or latency) being measured by Elliott exists in the packet switched part of the network, i.e., to the source of the traffic. In contrast, the present invention measures delay in the circuit switched part of the network, i.e., from the plurality of gateways to the destination address of the traffic (see step (d) of claim 1). This is a fundamental difference which means that, were a skilled operation to combine, *arguendo*, the teachings of Elliott with those of Voit they would still not arrive at the claimed system.

However, there is a further important difference in that nowhere in the teaching of Voit or Elliott is there found the step of establishing in the circuit switched network a

circuit from one of the gateways to a node of a circuit switched network and outputting the packet traffic from the said gateway onto the circuit of the circuit switched network concurrent with the gateway selection based on the "pinging" steps. Claim 1 as amended above more clearly sets out this aspect of the invention.

The skilled reader of Voit and Elliott would learn that latency is important within the packet switched part of the network but would gain no indication that it was necessary to look at latency within the circuit switched network. Elliott, in particular, teaches away from the present invention by concentrating on latency in the packet switched network. However, even if the skilled reader were to extend the teachings of Voit and Elliott, *arguendo*, to latency in the circuit switched network, i.e., by polling, as set out in claim 1 from the plurality of gateways to the destination address of the traffic, this still would not arrive at the system of claim 1.

This is because the present invention advantageously provides for early establishment of traffic flow without waiting for the result of latency measurements. The present invention provides for the efficient transfer of traffic from a source in a packet switched network to a destination in a circuit switched network by initiating early establishment of a circuit carrying traffic from the source to the destination and, in addition, calculating the fastest route through the circuit switched network.

CLARK
Appl. No. 09/830,460
May 8, 2006

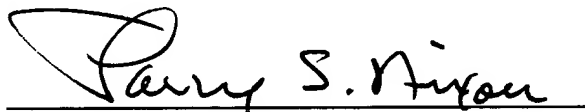
With such fundamental deficiencies of these references with respect to claim 1, it is not believed necessary to discuss additional deficiencies with respect to the remaining claims.

Suffice it to note that they are all dependent from claim 1 and add further patentable distinction to the novel and non-obvious content of claim 1.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Larry S. Nixon
Reg. No. 25,640

LSN:vc
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100